IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 19918 of 2004

Between:

1 G. Surya Rao, S/o Kotaiah,
Guntur District.
2 V. Subbamma, w/o Subbarao,
Guntur District.
3 Nutakki Baburao, s/o Kotaiah,
Guntur District.

..... PETITIONERS

AND

1 Government of Andhra Pradesh, rep. by its Secretary, Revenue Department,
Secretariat, Hyderabad.
2 District Collector, Guntur District, Guntur.
3 Revenue Divisional Officer, Guntur, Guntur District.
4 Mandal Revenue Officer,Mangalagiri, Guntur District.
5 Gram Panchayat, Nutakki,Mangalagiri Mandal, Guntur District.
rep. by its Village Secretary.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, order or direction to issue a Writ of Mandamus or any other appropriate Writ, order or direction declaring the orders of the 4th Respondent in Rc.No. 658/2003-B, dated 21-2-2004 and the action of the Respondents in seeking to dispossess them from their residential houses on the land in their occupation in an extent of Ac. 0.10 cents out of Ac. 6.52 cents of land in S.Nos. 386/4, 387and 390 situate in Kandula Obul Reddy Colony, Nuttakki village, Mangalagiri Mandal, Guntur District as illegal, arbitrary etc, or alternatively direct the Respondents to provide alternative house sites in the above said colony to them before evicting them from their houses.

Counsel for the Petitioners:MR.V.V.L.N.SARMA
Counsel for the Respondent Nos.1 to 4: GP FOR REVENUE
Counsel for the Respondent No.5 : MR. D.SRINIVAS

The Court, at the stage of admission, made the following :

ORDER

Learned counsel for the petitioners submits that if the respondents provides an alternative site to the petitioners, they would obey the orders passed by the fourth respondent-Mandal Revenue Officer dated 21.2.2004 wherein it was directed to vacate the land occupied by them, which was reserved for community purpose. If that be the case, the proper course open for the petitioners is to approach the respondents by making a representation requesting for allotment of alternative land and if such a representation is filed, it is for the respondents to consider the same and pass appropriate orders. But, it is not open for the petitioners to contend that they are entitled to alternative land as a matter of right, and it is for the authorities to provide the same.

The writ petition is accordingly disposed of. No costs.

A. GOPAL REDDY. J.

3rd November, 2004

tsr.

To

1 The Secretary, Revenue Department, Government of Andhra Pradesh, Secretariat, Hyderabad.
2 District Collector, Guntur District, Guntur District.
3 Revenue Divisional Officer, Guntur, Guntur District.
4 Mandal Revenue Officer,Mangalagiri, Guntur District.
5 The Village Secretary Gram Panchayat, Nutakki,Mangalagiri Mandal, Guntur District.
6. Two CCs to Government Pleader for Revenue, High Court Buildings, Hyderabad. (OUT).

7 Two CD copies.